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FEB 09 2015

David J. Bradley, Clerk of Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON TEXAS

IN RE:)
UPD Global Resources, Inc.,) Case No.: 11-36970-H5-11
Debtor.) Chapter 11
)
)

**MOTION OF CONTINENTAL CASUALTY COMPANY PURSUANT TO
BANKRUPTCY RULE 3006 TO WITHDRAW CLAIM AND NOTICE OF HEARING**

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file with the United States Bankruptcy Court, 515 Rusk, Houston, TX 77002 and serve your response prior to the hearing date set forth below. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

Represented parties should act through their attorney.

A hearing on this Motion has been set for FEBRUARY 23, 2015, at 10:00 a.m. in Courtroom 403, 515 Rusk, Houston, TX 77002.

TO THE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, CONTINENTAL CASUALTY COMPANY, through the undersigned counsel, who respectfully moves this Court under Bankruptcy Rule 3006 for an order granting

Continental Casualty Company's Motion to Withdraw Claim and in support thereof represents as follows:

1. The Court has jurisdiction of this matter under 28 U.S.C. §1334(a) and (b), 28 U.S.C. §157(a) and (b)(1) and 28 U.S.C. §151. This is a core proceeding under 28 U.S.C. §157(b)(2)(A).

2. On January 28, 2015, Continental Casualty Company caused to be filed with the Court a Notice of Transfer of Claim Other than for Security. The Notice of Transfer related to the transfer of Claim No. 3 filed by PBC Services, Inc. in the amount of \$5,878,070.49 ("Claim"). The Claim of UPD was deemed allowed as a general unsecured claim in the amount of \$5,670,534.77, pursuant to an Order entered by the Bankruptcy Court on October 16, 2012. The Claim has been transferred and assigned, other than for security, to Continental Casualty Company. Attached to the Notice of Transfer of Claim Other than for Security is an acknowledgment by counsel for PBC Services, Inc., that Claim No. 3 filed by PBC Services, Inc. has been transferred and assigned, other than for security, to Continental Casualty Company and Continental Casualty Company holds all right, title and interest to said Claim. A copy of the Notice to Transfer is attached hereto as Exhibit A.

3. The underlying basis for the Claim was a judgment entered in favor of PBC Services, Inc. and against UPD Global Resources, Inc. in the District Court for the Southern District of Texas, Houston Division, in *PBC Services, Inc. v. UPD Global Resources, Inc.*, case no. 08-cv-00235. In addition to transferring the Claim to Continental Casualty Company, PBC Services, Inc. also assigned the judgment in the District Court action to Continental Casualty Company. Attached hereto as Exhibit B is a true and correct copy of the Notice of Transfer of

that judgment from PBC Services, Inc. to Continental Casualty Company which was filed with the District Court on January 27, 2015.

4. The former owner of Claim No. 3 had participated in the UPD Global Resources, Inc. bankruptcy proceeding and did vote on the Confirmed Plan of Reorganization (the "Plan").

5. At this time, Continental Casualty Company, being the owner of the Claim, seeks to withdraw its Claim in the bankruptcy case. There have been no distributions to unsecured creditors in this bankruptcy case either before or after confirmation of the Plan. There is not now pending before this Court any objections to the Claim and Continental Casualty Company, as the owner of the Claim, is not a party to any current action pending before the Bankruptcy Court (except, of course, this Motion to Withdraw) nor did the owner of the Claim at any point in time during the pendency of this bankruptcy vote for the appointment of a trustee in this Chapter 11 proceeding.

6. Upon entry of the Order by the Bankruptcy Court allowing Continental Casualty Company to withdraw its Claim, Continental Casualty Company will cause a satisfaction of judgment to be filed in the District Court action referred to above.

WHEREFORE, Continental Casualty Company respectfully requests this Court enter an Order allowing Continental Casualty Company to withdraw its Claim.

CONTINENTAL CASUALTY COMPANY

By: HINSHAW & CULBERTSON LLP

By: /s/Thomas J. Lester
Thomas J. Lester
One of Its Attorneys

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